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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 17-70336 MAG  
14 Plaintiff, )  
15 v. ) STIPULATION AND [~~PROPOSED~~] ORDER  
16 ) CONTINUING NOVEMBER 9, 2017  
17 SAMMY SULTAN, ) APPEARANCE AND EXCLUSION OF TIME  
18 Defendant. ) UNDER THE SPEEDY TRIAL ACT AND  
19 ) WAIVER OF TIME UNDER FEDERAL RULE OF  
20 ) CRIMINAL PROCEDURE 5.1  
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21 Plaintiff United States of America and defendant Sammy Sultan, by and through their respective  
22 counsel of record, hereby stipulate as follows:

23 1. The United States has charged defendant Sammy Sultan by Criminal Complaint with  
24 making various threats by telephone calls placed to law enforcement agencies in the United States and  
25 abroad, in violation of 18 U.S.C. § 875 and 47 U.S.C. § 223. The defendant has been detained since  
26 September 12, 2017, following a bail review hearing.

27 2. The parties are currently scheduled to appear before the Court on November 9, 2017, for  
28 arraignment on a pending Information, but desire additional time for the defendant to be able to review

1 the discovery produced in this case and discuss the possibility of an early resolution. Counsel for the  
2 defendant also a personal matter to attend to that makes her unavailable for the presently scheduled  
3 appearance and reduces the time she has available to meet with her client to discuss the evidence in this  
4 case.

5 3. The government has produced substantial discovery in this case and defense counsel  
6 requests additional time to meet with her client and discuss the evidence in this case, as it pertains to his  
7 preparation for trial and possible resolution of the charges.

8 4. The parties jointly request that the November 9, 2017 appearance be continued to  
9 November 21, 2017, to allow the defendant the time he and his counsel desire to perform the  
10 aforementioned analysis and the parties to engage in discussions regarding resolution.

11 5. For these reasons, the parties also stipulate to exclude the time between November 9,  
12 2017 and November 21, 2017, from the time in which the defendant must be brought to trial pursuant to  
13 the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv), on the basis that the ends of justice  
14 served by the continuance outweigh the best interests of the public and defendant in a speedy trial.  
15 Failing to exclude this time would deny the defense continuity of counsel and reasonable time necessary  
16 for effective preparation, taking into account the exercise of due diligence.

17 6. For these reasons, the defendant also agrees to continue to waive time under Federal Rule  
18 of Criminal Procedure 5.1, and agrees to waive time under Rule 5.1 until the requested November 21,  
19 2017 hearing date. The parties agree that good cause supports the waiver and an extension of time for  
20 defendant to be charged by indictment or information, because the waiver is requested and extension  
21 sought in order for the parties to explore a prompt disposition of this case.

22  
23 IT IS SO STIPULATED.

24  
25 Dated: November 7, 2017

BRIAN J. STRETCH  
United States Attorney

26  
27 /s/ Thomas R. Green  
28 THOMAS R. GREEN  
Assistant United States Attorney

1  
2 Dated: November 7, 2017


/s/ Angela Hansen  
ANGELA HANSEN  
Attorney for Defendant Sammy Sultan

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6 **ORDER**

7 Based upon the stipulations and representations of counsel, and for good cause shown, the Court  
8 finds that failing to exclude the time between from November 9, 2017 through November 21, 2017,  
9 would deny defendant continuity of counsel and deny counsel the reasonable time necessary for  
10 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).  
11 The Court further finds that the ends of justice served by excluding the time from November 9, 2017  
12 through November 21, 2017, from computation under the Speedy Trial Act, outweigh the best interests  
13 of the public and the defendant in a speedy trial. Therefore, **IT IS HEREBY ORDERED** that the  
14 matter is set before this Court on November 21, 2017 at 9:30 a.m. for status and arraignment, and that  
15 the time from November 9, 2017 through November 21, 2017, shall be excluded from computation  
16 under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The Court further finds that the  
17 defendant has waived time under Federal Rule of Criminal Procedure 5.1, and that good cause supports  
18 the waiver of time under 5.1 and an extension of time for defendant to be charged by indictment or  
19 information, because the waiver is requested and extension sought in order for the parties to explore a  
20 prompt disposition of this case. Time is waived under Rule 5.1 until November 21, 2017.

21  
22 IT IS SO ORDERED.

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25 DATED: November 8, 2017

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge